

AMS/FAST CHANGE REQUEST (CR) COVERSHEET

Change Request Number: 23-27

Date Received: October 24, 2022

Title: AMS Clauses and Prescriptions - Change 113

Initiator Name: Tim Eckert

Initiator Organization Name / Routing Code: Procurement Policy Branch, AAP-110

Initiator Phone: 202-267-7527

ASAG Member Name: Monica Rheinhardt

ASAG Member Phone: 202-267-1440

Policy and Guidance: (Please check only one box)

- | | |
|---|--|
| <input type="checkbox"/> Policy | <input type="checkbox"/> Procurement Tools and Resources |
| <input type="checkbox"/> Guidance | <input type="checkbox"/> Real Property Templates and Samples |
| <input type="checkbox"/> Procurement Samples | <input checked="" type="checkbox"/> Procurement Clauses |
| <input type="checkbox"/> Procurement Templates | <input type="checkbox"/> Real Property Clauses |
| <input type="checkbox"/> Procurement Forms | <input type="checkbox"/> Other Tools and Resources |
| <input type="checkbox"/> Procurement Checklists | |

Summary of Change:

Revised Clauses

3.1.7-2 Organizational Conflicts of Interest (January 2023)
3.6.1-15 Post-Award Small Business Program Re-Representation (January 2023)
3.6.4-2 Buy American Act - Supplies (January 2023)
3.6.4-3 Buy American Act - Construction Materials (January 2023)
3.6.4-15 Buy American Act Certificate (January 2023)
3.6.5-1 Utilization of Indian Organizations and Indian Owned Economic Enterprises (January 2023)
3.10.1-16 Changes and Changed Conditions (January 2023)

New Clause Alternates

3.6.4-2 (Alternate I) Buy American Act - Supplies (January 2023)
3.6.4-3 (Alternate I) Buy American Act - Construction Materials (January 2023)

Reason for Change:

1. The following clause was revised to correct an AMS Guidance reference:

3.1.7-2 Organizational Conflicts of Interest (January 2023)

2. The following clause was revised to delete the requirement for post-award small business program re-representation for long-term contracts consistent with the need to give appropriate small business credit for contracts longer than five years in length:

3.6.1-15 Post-Award Small Business Program Re-Representation (January 2023)

3. The following clauses were revised to reflect domestic content threshold changes consistent with AMS Guidance and Executive Order 14005 "Ensuring the Future is Made in All of America by All of America's Workers" :

3.6.4-2 Buy American Act - Supplies (January 2023)

3.6.4-3 Buy American Act - Construction Materials (January 2023)

3.6.4-15 Buy American Act Certificate (January 2023)

4. The following clause Alternates were added to provide for possible alternate domestic content thresholds if authorized consistent with Executive Order 14005:

3.6.4-2 (Alternate I) Buy American Act - Supplies (January 2023)

3.6.4-3 (Alternate I) Buy American Act - Construction Materials (January 2023)

5. The following clause was revised to update clause references:

3.6.5-1 Utilization of Indian Organizations and Indian Owned Economic Enterprises (January 2023)

6. The following clause was revised based on the DC Circuit opinion in Archer W. Contractors, LLC vs. U.S. Department of Transportation 45 F.4th 1 (D.C. Cir. 2022) related to the failure to agree to an equitable adjustment:

3.10.1-16 Changes and Changed Conditions (January 2023)

Development, Review, and Concurrence: AGC-500/AAQ/AAP-110

Target Audience: Program Office and contracting personnel

Briefing Planned: No.

ASAG Responsibilities: None.

Section / Text Location: Applications - Contracts Clauses

The redline version must be a comparison with the current published FAST version.

☒ I confirm I used the latest published version to create this change / redline

or

☐ This is new content

Links: <https://fast.faa.gov/contractclauses.cfm>

Attachments: Attached.

Other Files: N/A.